

Amendments to the Drawings

Fig. 2 has been revised to include indicia "34" to identify the side post (previously without indicia). The corrected sheet of drawing immediately follows this page as "Replacement Sheet".

REMARKS/ARGUMENTS

The Examiner has rejected Claims 1-20 under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement stating Claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make or use the invention.

The Examiner alleges the invention is being recited without a spacer and it is not disclosed as being able to operate without this element (spacer), asserting Claims 1 and 11 must mention this item; and Claim 16 states that the frameworks are spaced apart, but does not mention that they are connected. The Examiner implies that the enablement requirement is not met because applicant's specification does not affirmatively disclose the ability to make or use the invention without a spacer.

Upon applicant's careful review of the specification, claims and drawings, it is believed, under the Summary of the Invention, that these summaries in the paragraph bridging pages 2 and 3, the second full paragraph on page 3, and the paragraph bridging pages 3 and 4 mention "several frameworks", "between two such frameworks" and "each framework as necessary", respectively, none recite or require the spacer. Further, the last full summary paragraph on page 4, recites "two or more frameworks may be linked by a bar or beam".

Thus, these summaries clearly indicate that a bar, beam or spacer extending between the frameworks is optional. In the drawing Figs. 1, 3 and 6 show no spacer or linkage while Figs. 2, 4 and 5 show spacers. In the description of the preferred

embodiment on page 10 in lines 3, 4 and 5 state "may be linked". Again, in the Abstract line 3 recites "may include linkage".

In view of the fact the teaching in the disclosure, taken as a whole, fully support Claims 1-20 and especially Claim 1 and Claim 11 (currently amended) with adequate disclosure to provide a person skilled in the art to make and use the invention.

However, if the Examiner requires affirmative disclosure that the linkage is not required such could be added without introduction of new matter.

With regard to the Examiner's rejection of Claim 16, step (d) now recites a "connector" member instead of a "linkage" member.

Applicant has amended Claim 1, step (c) to insert "said" before "flat face member". Further, the ";" (semicolon) at the end of step (c) has been replaced by a "." (period). The misspelling of "device" as "devise" has been corrected.

The Examiner has rejected Claim 1-3 and Claim 6-10, additionally, as anticipated by Shelton, (Patent No. 5,505,425). The Examiner alleges Shelton discloses: "a device having at least two frameworks (10 & 11) with an aperture in a top (area surrounding 38), sides (31 & 28), a bottom (12), a spacer (46 & 49), a force actuator (base plate 35, cradle 25, which is gravity force or some weight apply on top), a flat face member (bottom of pin 38) and roller (wheels 15). It is noted that rectangular and square are equivalents".

Applicant does not dispute Shelton has two frameworks with an aperture in a top (pin 38 area), sides and a bottom. The distinction from Shelton is Shelton does not disclose, a force mechanism (or actuator) to move each such flat face members

transverse to each other with sufficient force to maintain the pieces of lumber free of warpage. The "force actuator or mechanism", (base 35 of cradle 25), gravitational force does not provide movement of a flat face member, (bottom of pin 38 is not a flat face member and functions to provide support for cradle 25 with rotational adjustment, see column 2, lines 50-57 of Shelton). It appears in Fig. 1 and text that pin 38 does not move vertically relative to beam 24, but allows rotation of cradle 25. Also, the vehicle support is just that, and does not provide flat face members for movement transverse to each other. Assuming "cradle 25" is a force mechanism (actuator), it moves vertically only when pins 34 are removed; however, there is no "cradle 25" or other similar mechanism to move horizontally. Also, it seems that upon engagement of pin 38 with lumber it would unseat cradle 25 before the bottom of beam 24 would engage the lumber and become inoperative for its intended function. Further, Shelton cannot function to exert transverse compression forces on lumber or any filler block inserted between beams 12 and 24, even if pins 34 are removed to allow beam 24 to rest on lumber between beams 12 and 24, since there is no mechanism to move horizontally and exert compression in the vertical plane as required by Claims 1-3 and 6-10 since sleeves 26 and sockets 29 are fixed to beam 12 and beam 24, respectively, and cannot move towards each other transverse to vertical movement of beam 12.

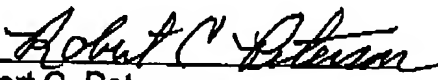
The Examiner has indicated claims 11 and 16 would be allowable if a spacer is included. Claim 11 as currently amended, does not require a bar or spacers for the reason previously expressed. Claim 16 as currently amended includes connector member in step (d).

In the Amendment, a drawing Replacement Sheet, including Fig. 2, is submitted to add indicia 34 in Fig. 2.

In view of the foregoing comments and amendments to the claims, the cancellation of Claims 2 and 3, and addition of Claim 21, applicant believes the application is in condition for issuance with Claims 1 and Claims 4 through 21 allowed.

Respectfully submitted,

MILBURN & PETERSON, P.C.
620 N. Grant Suite 1100
P.O. Box 2626
Odessa, Texas 79760
(432) 332-0463

By: 
Robert C. Peterson
Registration No. 20,391

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on October 19, 2005
Date

Terry Lavelett
Signature

Terry Lavelett

Typed or printed name of person signing Certificate

Registration Number, if applicable

(432) 332-0463

Telephone Number

1. Telefax Cover Sheet - 1 page
2. Transmittal Form - PTO/SB/21
3. Amendment - 16 pages
4. This Certificate of Transmission under 37 CFR 1.8

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.